

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

JOHN BRAUCHLE and ABIGAIL BRAUCHLE

PLAINTIFFS

VS.

CAUSE NUMBER:1:09CV659-LG-RHW

STATE FARM FIRE AND CASUALTY CO.,  
and JOHN DOES I-X and JANE DOES I-X

DEFENDANTS

**RESPONSE OF THE DEFENDANT, STATE FARM FIRE AND  
CASUALTY COMPANY, TO PLAINTIFFS' MOTION [3] TO REMAND**

Comes now the defendant, State Farm Fire and Casualty Company, and responds to plaintiffs' Motion [3] to Remand.

1. The parties have today reached an agreement whereby plaintiffs will dismiss any potential claims for additional payments under their NFIP flood payments. Due to the agreement, the issue giving rise to federal question jurisdiction will, pending the approval of the Court, be dismissed.

2. Counsel will today file a joint motion to dismiss any NFIP claims, and will submit agreed orders dismissing the claims and remanding the instant case.

WHEREFORE, PREMISES CONSIDERED, the defendant, State Farm Fire and Casualty Company, respectfully informs the Court that the parties have agreed to dismiss the issue giving rise to federal question jurisdiction and State Farm Fire does not intend to contest remand provided the Court approves the dismissal of the NFIP claims.

RESPECTFULLY SUBMITTED,

STATE FARM FIRE AND CASUALTY COMPANY

HICKMAN, GOZA & SPRAGINS, PLLC

Attorneys at Law

Post Office Drawer 668

Oxford, MS 38655-0668

(662) 234-4000

BY: /s/ H. Scot Spragins  
H. SCOT SPRAGINS, MSB # 7748

**CERTIFICATE OF SERVICE**

I, **H. SCOT SPRAGINS**, one of the attorneys for the Defendant, **STATE FARM FIRE & CASUALTY COMPANY**, do hereby certify that I have on this date electronically filed the foregoing document with the Clerk of Court using the ECF system which sent notification of such filing to all counsel of record.

DATED: October 26, 2009.

/s/ H. Scot Spragins

**H. SCOT SPRAGINS**

H. SCOT SPRAGINS, MSB # 7748  
HICKMAN, GOZA & SPRAGINS, PLLC  
Attorneys at Law  
Post Office Drawer 668  
Oxford, MS 38655-0668  
(662) 234-4000